

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF HUMAN RESOURCES

May 10, 2002

HUMAN RESOURCES MEMORANDUM 3-02

SUBJECT: FY 02/03 Hiring Freeze

REFERENCE: Executive Order 05 FY 01/02 - Special Budget and
Expenditure Order of May 2002

The purpose of this memorandum is to provide instruction and guidance to agencies and departments on limitations to the filling of all positions.

A hiring freeze is in effect immediately for all positions that are vacant or that become vacant in FY 02 and FY 03. This hiring freeze extends to all positions, regardless of funding source or type (permanent, seasonal, intermittent, project, acting capacity, etc.). Emergency exceptions to this hiring freeze may be approved by each department or agency head with advice and recommendation of the Bureau of the Budget and the Commissioner of the Department of Administrative and Financial Services. Emergency exceptions will be limited to positions that meet the following criteria:

HEALTH, SAFETY, WELFARE AND REVENUE PRODUCING POSITIONS

1. The position provides direct, vital services essential to ensure the health, safety or welfare of the public or wards of the state;
2. The duties of the position are essential to generate revenue for the state;
3. Alternative methods to provide such essential health, safety, welfare, or revenue producing services have been explored and no cost-effective alternative to filling the vacancy is available.

EXCEPTIONS NOT RELATED TO HEALTH, SAFETY, WELFARE OR REVENUE PRODUCING SERVICES

1. Emergency exceptions may be extended to positions that have no impact on the General Fund and that are essential to the mission of the agency. This exception is limited to positions that require specialized education and/or experience that cannot be found within State Government.
2. Agencies may reassign existing staff, in accordance with the applicable provisions of the bargaining agreements and Civil Service Rules, from positions funded wholly or in part by the General Fund to other positions within the agency, either on a permanent or temporary basis, for the purpose of producing savings to the General Fund.

Emergency exceptions to the hiring freeze must be made on a position-by-position basis, except in those circumstances where a delay in filling positions will cause unsafe conditions for staff, the public, or wards of the state, or overtime expenses in excess of the cost of filling the position will be incurred.

LIMITATION ON EXTERNAL HIRING

In the event that a vacancy is authorized to be filled under the terms of Executive Order 05 FY 10/02 and this memorandum, all efforts will be made to fill the position on an agency or statewide basis, including employees in layoff status or employees in workers compensation return-to-work status, unless the qualifications for the position or other circumstances require recruitment from outside state government.

TRANSITION PROVISION

Offers of employment that have already been made will be honored.

Agencies are expected to honor all commitments to the State Government Internship Program.

All pending hiring processes will either be cancelled or suspended pending the approval of an emergency exception to the hiring freeze as applicable. Cancelled certifications must be returned to the Bureau of Human Resources. Pending certifications for which an emergency exception to the freeze is being considered may be retained by the agency until final disposition is determined.

REVIEW AND RECOMMENDATION PROCESS

Agencies must submit all hiring freeze emergency exceptions to the Bureau of the Budget and the Commissioner of the Department of Administrative and Financial Services for their review and recommendation before proceeding to fill any position.

Attached is Form PER 125b that is to be used to obtain this review and recommendation. Emergency exception forms must be sent to Charles Jacobs, Deputy Commissioner, Department of Administrative and Financial Services. PER 125b is available on BHR homepage [<http://www.state.me.us/bhr/>] by clicking on "BHR FORMS".

Agencies that wish to consider "blanket" emergency exception requests for entire classifications of positions because there is an immediate need to fill vacancies for safety or cost containment reasons should clearly indicate this on the form and specify the conditions that make a blanket emergency exception necessary.

MFASIS PROCESSING FOR ALL HIRES EXEMPTED FROM THE HIRING FREEZE

A completed PER 125b or a memorandum indicating that the agency is honoring a prior offer for employment must be submitted to the Bureau of Human Resources Authorizations Unit along with all other supporting documentation when processing the Human Resource transaction to complete the hire.



S / Donald A. Wills

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